

REMARKS

Claims 1-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Breda. Applicant respectfully submits that the claims, as amended, are not anticipated.

Claims 1 and 4, as amended, recite a first valve element, a second valve element rotatably fixed to the first valve element, and a pressure balance rotatable relative to the first and second valve element. Breda does not disclose such structure and does not anticipate claim 1. Breda does not have a first valve element rotatively fixed to a second valve elements such that the pressure balancer is rotatable relative to both valve elements. Accordingly, Breda does not anticipate claims 1 or 4.

Claims 2-3 and 5-10 depend from claims 1 and 4 respectively. Therefore, Breda does not anticipate claims 1-10.

Claims 11-17 are cancelled without prejudice or disclaimer of the subject matter disclosed therein. Applicant respectfully requests reconsideration of the rejection of claims 1-17 under 35 U.S.C. § 102(b).

Claims 1-2, 4-8, and 10 are alternatively rejected under 35 U.S.C. § 103(a) as being unpatentable over Breda. Applicant respectfully disagrees with the examiner.

Claims 1 and 4, as amended, recite a first valve element, a second valve element rotatably fixed to the first valve element, and a pressure balance rotatable relative to the first and second valve element. Breda does not teach or suggest such structure, and his structure can not be modified to meet the claim requirements without rotatably fixing the cup 184 to the lower insert 14. However, there is no suggestion to do so. Accordingly, applicant submits that claims 1-2, 4-8 and 10 patentably distinguish over Breda and respectfully requests reconsideration of the rejection of claims 1-2, 2-4 and 10 under 35 U.S.C. § 103(a).

Claim 18 is rewritten in independent form to include all of the limitations of the base claim and is now in condition for allowance.

Respectfully submitted,



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